

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 08-231

v.

*

SECTION: "L"

**JERMAINE WINCHESTER
a/k/a "Stutter"**

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FACTUAL BASIS

The above-named defendant **JERMAINE WINCHESTER**, has agreed to plead guilty as charged to Counts One and Two of the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **JERMAINE WINCHESTER ("WINCHESTER") also known as "Stutter:"**

Unless stated otherwise, all events set forth herein occurred in the Eastern District of Louisiana.

In 2007, the Federal Bureau of Investigation ("FBI") began an investigation into the drug trafficking activities of **JERMAINE WINCHESTER ("WINCHESTER")** and others that conspired with him to do so. **WINCHESTER's** role as a distributor in this conspiracy

overwhelmingly involved the distribution of cocaine base (“crack”) to both users of crack as well as further distributors. In total, the entire conspiracy was responsible for the trafficking of more than 4.5 kilograms of crack cocaine and more than 500 grams of cocaine hydrochloride.

Controlled Purchases of Drugs with FBI

In July 2007, a cooperating defendant (“CD1”) told agents with the FBI that CD1 could purchase crack directly from a known drug dealer (“DD1”). Around July 16, 2007, CD1 met with DD1 and asked about purchasing crack. DD1 said that he was out of cocaine, but indicated that his partner “La-La” could handle it. “La-La” was later identified as **WINCHESTER**, whose phone number was (504) 210-6044.

On July 17, 2007, at 5:32 p.m. CD1 placed a recorded call to **WINCHESTER**, who said he just had grabbed “a little 9 from a nigger that was charging him 6-5 for that bitch.” CD1 told **WINCHESTER** to save some for him because he was ready.

On July 19, 2007, CD1 called **WINCHESTER**, asking if they could meet. CD1 also asked **WINCHESTER** to try to contact DD1 on CD1's behalf so that CD1 could also purchase two pounds of marijuana. CD1 also wanted “two of them” from **WINCHESTER**, which meant that CD1 was looking to buy two ounces of crack.

On July 24, 2007, two cooperating defendants were utilized to purchase crack cocaine from **WINCHESTER**. The cooperators were given \$1,500.00 in advanced funds and fitted with transmitters. At 5:51 p.m., the cooperators headed to a residence near Gentry and Gladstone in Marrero. At 6:06 p.m., **WINCHESTER** arrived at the residence in a burgundy Camaro. **WINCHESTER** sold an amount of crack cocaine to the cooperators, who then left the area and delivered the crack to law enforcement. The crack subsequently was analyzed and tested positive

for cocaine base with a net weight of 53.5 grams.

On July 30, 2007, at 6:41 p.m., CD1 called **WINCHESTER** and advised that CD1 would be “down there” on Thursday, August 2, 2007.. They agreed that 5:00 or 6:00 p.m. was alright. CD1 wanted to do the same thing, and **WINCHESTER** said, “Alright.” CD1 told **WINCHESTER** to get a hold of DRUG DEALER “A” and see if DRUG DEALER “A” could sell some marijuana on Thursday. **WINCHESTER** said that he was going to call DRUG DEALER “A.” However, on August 2, 2007, at 2:34 p.m., **WINCHESTER** told CD1 that DRUG DEALER “A” hadn’t been answering the phone.

On September 5, 2007, CD1 met with **WINCHESTER** to make a controlled purchase crack. CD1 was searched for integrity purposes and given \$3,200.00 in Advanced Funds. CD1 called **WINCHESTER**, who asked if CD1 wanted to do “four of them.” CD1 told **WINCHESTER** that he had three. **WINCHESTER** told CD1 to go by CD1's people’s house. CD1 then drove to a residence near Gentry and Gladstone in Marrero. CD1 arrived about 5:00 p.m. in his burgundy Camaro. CD1 made contact with **WINCHESTER** at about 5:02 p.m. **WINCHESTER** gave CD1 a white sock that contained four clear plastic bags of crack. The transaction was completed about 5:06 p.m. The crack was later analyzed and tested positive for cocaine base with a net weight of 107 grams.

On October 17, 2007, another cooperating defendant (“CD2”) was utilized to make a controlled purchase of crack from **WINCHESTER** at 1741 Gladstone Drive in Marrero. CD2 was searched for integrity purposes and given \$1,600.00 in advanced funds. CD2 went to the residence, near Gentry and Gladstone, and arrived at 1:51 p.m. CD2 made contact with **WINCHESTER** at 1:54 p.m. **WINCHESTER** distributed a clear plastic bag of crack to CD2,

and the transaction concluded at 1:56 p.m. The crack was later analyzed and tested positive for cocaine base with a net weight of 54.9 grams.

Controlled Purchases of Drugs with Gretna Police

On July 23, 2007, City of Gretna Police Det. Wayne Williams and other narcotics officers utilized a confidential source (“CS1”) to purchase cocaine from CLYDE PEREZ (“PEREZ”). CS1 called PEREZ to order the cocaine. At 2:30 p.m., CS1 and Det. Williams met with PEREZ at 1200 Maplewood Drive in Harvey, Louisiana. PEREZ said that one of his suppliers was en route. PEREZ then told CS1 and Williams to relocate to Walmart at 4810 Lapalco Boulevard. CS1 and Williams relocated to the Walmart. Williams noticed a Chevrolet Camaro, LA PCE272, registered to and driven by **WINCHESTER**, enter the parking lot. Its driver made contact with PEREZ. After a few minutes, PEREZ returned to CS1's vehicle and retrieved the \$2,200.00 from Det. Williams. PEREZ then entered the Camaro, obtained an amount of cocaine from **WINCHESTER**, and exited a few minutes later. PEREZ returned to CS1's vehicle and handed WILLIAMS a clear plastic bag containing approximately 55 grams of powder cocaine. On July 24, 2007, Det. Williams positively identified **WINCHESTER** as the driver of the Camaro.

On July 30, 2007, at 3:30 p.m., CS1 and Det. Williams again made contact with PEREZ to purchase four ounces of powder and two ounces of crack for \$6,600.00. On July 31, 2007, at 12:00 p.m., PEREZ called Det. Williams and said that everything was set up for that afternoon. At 2:15 p.m., Det. Williams made contact with PEREZ at 1200 Maplewood. PEREZ said he was having trouble getting the four ounces of powder but had the two ounces of crack. PEREZ and Williams made arrangements to approach **WINCHESTER** at Ragusa's Supermarket on the

Westbank Expressway to complete the transaction. At 6:34 p.m., a white Toyota Avalon, driven by **WINCHESTER**, entered the Ragusa's parking lot. Williams then handed PEREZ \$2,000.00. PEREZ then exited Williams' vehicle and relocated to the passenger side of **WINCHESTER's** vehicle. A few minutes later, PEREZ exited **WINCHESTER's** vehicle and entered Williams' vehicle. PEREZ then handed Williams a clear bag of crack weighing approximately 49 grams that he had obtained from **WINCHESTER**.

Calls with co-conspirators from a Title III wiretap of Jermaine Winchester's Phone

Based on these and other actions, agents with the Federal Bureau of Investigation obtained a court-approved Title III wiretap on **WINCHESTER's** phone, bearing phone number (504) 210-6044. The wiretap commenced on October 18, 2007. Although authorized for a 30-day period, it was terminated on November 5, 2007, because of a threat of violence.

During the course of the wiretap, agents intercepted thousands of phone calls. The vast majority of these phone calls were pertinent drug calls and indicated that **WINCHESTER** was buying cocaine base ("crack") and cocaine hydrochloride, and selling crack to numerous individuals. **WINCHESTER** received and answered calls on a daily basis to numerous persons. Many people would call up seeking to purchase distributable amounts of crack to facilitate further distribution. Some of the intercepted calls pertinent to **PEREZ's** involvement, are set forth below.

Calls involving Clyde Perez

On October 26, 2007, at 5:35 p.m., **WINCHESTER** received a call from PEREZ, who told **WINCHESTER** that he was by "Bob's house." **WINCHESTER** told PEREZ to give him a minute and he would come "holler" at PEREZ. PEREZ called again about 7:10 p.m.

WINCHESTER said that he would be over there in a minute. At 7:31 p.m., PEREZ spoke to **WINCHESTER** again. PEREZ told **WINCHESTER** to pull in the driveway and call him when **WINCHESTER** arrived. **WINCHESTER** called PEREZ a few minutes later at 7:34 p.m. Around that time, **WINCHESTER** sold an amount of crack to PEREZ, who was actually handling the purchase for BOBBY. After **WINCHESTER** departed, PEREZ called him at 7:36 p.m. PEREZ told **WINCHESTER** that the amount of crack was less than it was supposed to be, saying, "There's only 4 - 3, bro. 4.3. I'm telling you. Bobby sitting right here too bro. He broke out the scale and I put it on there. 4.3." **WINCHESTER** said that he would come back. At some point, **WINCHESTER** came back and delivered more crack to PEREZ and BOBBY. Later, at 7:58 p.m., PEREZ called **WINCHESTER** and said, "It's still a little shy. 1.2 grams." **WINCHESTER** replied, "I'm gonna make up for it. I'm about to go home and get something else, you heard me?" PEREZ responded, "Alright. By that time, I oughta take care of this and re-up. Hook me up with the next one." PEREZ also said, "Next round, I might get the same amount but in the soft... That way, I can cook it myself."

Calls involving Calvina McDowell

CALVINA McDOWELL ("McDOWELL") was **WINCHESTER**'s girlfriend. They lived together at 1341 West Drive in Westwego, Louisiana.

On October 22, 2007, at 7:23 p.m., **WINCHESTER** received a call from an Unidentified Male ("UM1"). UM1 asked, "What's happening?" **WINCHESTER** responded, "You already know what's happening." **WINCHESTER** went on to say, "It's good, too. I ain't have to play no games with it. I went straight to the stove with that shit." UM1 said, "For the eight, huh?" **WINCHESTER** said, "No, the shit is 750. That's all I been doing. 28 for the 750," meaning

that he was going to sell 28 grams, which was roughly one ounce, of crack cocaine, which he had cooked on the stove, for \$750.00. UM1 then said that he was at home and told **WINCHESTER** to come “bring him one,” meaning one ounce of crack. They eventually agreed on a meeting place. At 7:40 p.m., **WINCHESTER** called UM1 to find out where he was. **WINCHESTER** said, “I’m going home now to go get it for you.” Immediately thereafter, **WINCHESTER** called McDOWELL at 7:41 p.m., and told her, “I wanted you to bring me one of them things.” McDOWELL asks, “You outside?” **WINCHESTER** replied, “No. I’m on Westwood by the light.” McDOWELL said, “Alright.” At 7:44 p.m., **WINCHESTER** called McDOWELL and told her to open the front door. Thereafter, **WINCHESTER** got one ounce of crack cocaine. At 7:46 p.m., **WINCHESTER** called UM1 and told him that he was on the way over. **WINCHESTER** then delivered one ounce of crack to UM1.

Calls involving Kaven Lane, Jr.

KAVEN LANE, JR., was one of **WINCHESTER**’s co-conspirators. During the course of the wiretap, numerous calls were intercepted between LANE and **WINCHESTER**. LANE’s phone had telephone number (504) 864-5004.

Later on October 23, 2007, at 8:44 p.m., **WINCHESTER** called LANE and said, “Give me a minute. I’m in Golden Heights.” LANE said, “I’m coming from the back end.” At 8:55 p.m., **WINCHESTER** called LANE. LANE asked, “Where you at, fool?” **WINCHESTER** said, “I don’t know if you want to see this shit I got. It’s got a nasty taste to it, but I was gonna give you the 28,” referring to an amount of crack cocaine. LANE asked, “Is it good, though?” **WINCHESTER** said, “Yeah, but it’s got a nasty taste. Like five minutes, that bitch, . . . That bitch will get you high for like five seconds then that bitch gone.” LANE said, “Fuck it. Bring

it, fool. You gonna give me the whole thing?” **WINCHESTER** said, “Alright. I’m on my way.” **WINCHESTER** subsequently delivered the crack cocaine to LANE.

On October 25, 2007, at 6:59 p.m., LANE called **WINCHESTER** and asked, “You got some different shit?” **WINCHESTER** replied, “Yeah.” LANE then said, “I want to get a whole one, fool.” **WINCHESTER** said, “Alright. I’ll be over there.” At 7:12 p.m., **WINCHESTER** called LANE and told him, “750, you heard me,” referring to the cost of a “whole one.” LANE responded, “I ain’t got it, fool. I just got 7,” meaning that LANE did not have “750.” **WINCHESTER** said, “Alright. I’ll be over there.”

On October 27, 2007, at 6:55 p.m., LANE called **WINCHESTER** and said, “I’m at the Luxury Inn, fool. Wanna pass by here?” **WINCHESTER** said, “Oh, no, boy. It’s hot.” **WINCHESTER** asked, “What it’s gonna be?” LANE said, “I just want to get me a little cutie, fool.” **WINCHESTER** said, “Just give me a little time.” LANE said, “Don’t forget about me, fool. My fucking phone’s blowing up,” meaning he had been having people calling him looking to purchase crack cocaine from him. At 8:15 p.m., LANE called **WINCHESTER** back and told him he was near. **WINCHESTER** said he was around and asked, “That’s two things, huh,” referring to an amount of crack cocaine. LANE said, “Yeah.” **WINCHESTER** eventually sold a distributable amount of crack cocaine to LANE. Almost two hours later, at 10:05 p.m., LANE called **WINCHESTER** back and told him people were complaining about the quality of the crack cocaine. LANE stated, “Man, they complaining about it, dude. That shit ain’t good, bro. Give somebody a piece and let them try it and see what they say.” **WINCHESTER** said, “I did that.” LANE asked, “And they liked it?” **WINCHESTER** said, “Everything in Golden Heights.” LANE then explained, “The first person that call said, ‘The shit was nasty.’ The

second person called and said, 'It was straight.'" **WINCHESTER** replied that his "clientele talking 'bout that straight. It's got a bad taste but it's straight." In a subsequent call one minute later, **WINCHESTER** said, "I got that white, but they said the same thing on that white. It has a bad taste, but it's straight." **LANE** then said, "Next time I holler at you . . . why don't you give me one for like 350, fool, 'cause they complaining," suggesting that **WINCHESTER** charge him less next time for a sale of crack so that **LANE** could sample it before he sold it.

Calls and transactions involving Jonathan Joseph

JONATHAN JOSEPH was one of **WINCHESTER**'s co-conspirators. During the course of the wiretap, numerous calls were intercepted between **JOSEPH** and **WINCHESTER**. **JOSEPH**'s phone had telephone number (504) 722-6123.

On October 26, 2007, at 5:33 p.m., **JOSEPH** called **WINCHESTER** and asked, "You ready for me to head around?" **WINCHESTER** said, "Oh, man, I just got finished. . . . I had came home. I'm in the kitchen now fucking with them." **JOSEPH** responded, "So what you trying to say? You ain't straight no more or something?" **WINCHESTER** said, "Yeah, man. Holler at Fat Boy. He should be able." **JOSEPH** said, "No. He ain't got nothing right now." **JOSEPH** called back at 6:48 p.m. and said, "I was just wondering if, before you cook, . . . if you got a plate for me," referring to an amount of crack cocaine. **WINCHESTER** replied, "If I got half of that for you?" **JOSEPH** said, "If you got a plate for me. Like, you told me you was in the kitchen cooking up food, right?" **WINCHESTER** said, "Yeah." **JOSEPH** responded, "I was asking if you got a plate for me. . . . A plate of what you were cooking." **WINCHESTER** replied, "Yeah, if you want it." **WINCHESTER** said he was cooking up red beans, but he was actually preparing crack cocaine. **JOSEPH** asked, "Where we can meet right now?"

WINCHESTER said, “750,” meaning the price for the “plate,” which was an amount of crack, was \$750.00. **JOSEPH** asked, “For the O?” **WINCHESTER** said, “Yeah. For the half of plate.” **JOSEPH** responded, “Oh. I ain’t want that whole.” **WINCHESTER** said, “Shit. It’s like 14 for that,” meaning that the price for the “whole plate” of crack would have been \$1,400.00. At 7:13 p.m., **WINCHESTER** called **JOSEPH** and said he was on his way. **JOSEPH** said he was about to pull up. At 7:19 p.m., **WINCHESTER** again called **JOSEPH** and told him where to meet. **JOSEPH** didn’t want to go to the area. **JOSEPH** told **WINCHESTER** to meet him by Time Clock, a convenience store. In a later call, **JOSEPH** clarified that he meant the Time Clock on Lafitte-Larose Highway. **WINCHESTER** subsequently sold **JOSEPH** a distributable amount of crack cocaine.

Calls involving Cyril Degree

CYRIL DEGREE was one of **WINCHESTER**’s co-conspirators. During the course of the wiretap, numerous calls were intercepted between **DEGREE** and **WINCHESTER**. **DEGREE**’s phone had telephone number (504) 799-5305.

On October 25, 2007, at 11:32 a.m., **DEGREE** called **WINCHESTER** and the two talked. **DEGREE** told **WINCHESTER**, “If something comes through, ya hear me . . . You know what I’m saying. I like to cook it up myself,” meaning that **DEGREE** liked to convert powder cocaine into crack cocaine. **WINCHESTER** said that he would talk to **DEGREE** when he heard something.

On October 27, 2007, at 8:39 p.m., **DEGREE** called **WINCHESTER** and asked, “What’s happening with you. Where you at?” **WINCHESTER** said, “I’m gonna be around there in a little bit.” **DEGREE** then said, “A two-way,” referring to an amount of cocaine that **DEGREE**

wanted to get from **WINCHESTER**. **WINCHESTER** responded, "Shit. Hey, bro, the nigger just called me for it. I'm about to go holler at him with it now." **DEGREE** then pleaded, "Man, let me get, man." **WINCHESTER** said, "The nigger giving me 16 for that bitch." **DEGREE** then asked, "You can't get another one for me?" **WINCHESTER** responded, "No. Shit. It'll be 26 . . . on that . . . and it'll be the rest, you know, hard style." **DEGREE** asked, "26 for what?" **WINCHESTER** replied, "26 cotton and the other will be hard style." The "26 cotton" was referring to an amount of powder cocaine. **DEGREE**, referring to the "26" later asked, "It's already done?" **WINCHESTER** said, "Hell no. You'll have to fuck with it," meaning **DEGREE** would have to "cook" it into crack. **DEGREE** asked what **WINCHESTER** would sell it for. **WINCHESTER** said he would sell it to **DEGREE** for \$650.00. **DEGREE** asked if he could get it for \$600.00, but **WINCHESTER** said, "I'm already losing." **DEGREE** then said, "Alright. I'm on my way." At 9:07 p.m., **DEGREE** called **WINCHESTER** and asked, "You ain't go holler at your boy yet?" **WINCHESTER** replied, "Yeah. He gave me 15 for that, hoe." **DEGREE** then asked if **WINCHESTER** had the "26." **WINCHESTER** said, "26 for the 650." **DEGREE** asked about getting it for "6." **WINCHESTER** said, "I'm gonna be losing. . . . I know I can get seven for that bitch." **DEGREE** said, "I need anything." **WINCHESTER** subsequently delivered the bag of powdered cocaine to **DEGREE**. At 9:11 p.m., **DEGREE** again called **WINCHESTER** to complain, and told him, "You trying to like whoop a nigger on some shit with this." **WINCHESTER** responded, "No. 650 good. I charge the nigger 750, eight, for this, yeah." **DEGREE** said, "I know. That ain't even the whole thing, like." **WINCHESTER** said, "That's 26. . . . In the bag . . . It's 27 altogether, you see what I'm saying." **DEGREE** said, "Man, that shit's raw, man." **WINCHESTER** responded, "Alright. I just know not to do business with

you no more.”

DEGREE next called **WINCHESTER** on November 2, 2007, and talked with him at 2:18 p.m. DEGREE said, “I need like a two or something,” referring to an amount of cocaine. **WINCHESTER** said, “I been trying, you heard me?” DEGREE then asked, “Can I get a half or something from you then?” **WINCHESTER** mentioned a price and told DEGREE, “That nigger want 16 - 5.” DEGREE said, “I told that nigger I’d pay 15. That nigger ain’t told me about no \$50.00.” **WINCHESTER** replied, “I went and got me some. That nigger charged me 62 for each, ah, 15-5 for each one of them. It came out to 62.” **WINCHESTER** meant that his source had sold him four ounces of cocaine for a total price of \$6,200.00. DEGREE then asked, “You can’t get me a half?” **WINCHESTER** then said, “I’m charging eight for them bitches.” DEGREE asked, “For a half?” **WINCHESTER** then said, “Oh, you talking about a half? . . . \$4.00,” meaning that **WINCHESTER** would sell of half ounce of cocaine to DEGREE for \$400.00. DEGREE responded, “Oh, man. I’m just trying to see what’s up.”

Calls and transactions involving Quanties Davis

QUANTIES DAVIS was one of **WINCHESTER**’s co-conspirators. During the course of the wiretap, numerous calls were intercepted between DAVIS and **WINCHESTER**. DAVIS’ phone had telephone number (504) 982-2915.

On October 23, 2007, at 5:56 p.m., DAVIS called **WINCHESTER**. **WINCHESTER** had been trying to call DAVIS but eventually came home. DAVIS told him that he was going to pick someone up over at a high school in the area. **WINCHESTER** said, “Alright.” After a short pause, DAVIS asked, “You know what I’m talking about, huh?” **WINCHESTER** said, “Oh. Alright. You want me to grab for you,” meaning that DAVIS wanted **WINCHESTER** to

get some crack cocaine for him. DAVIS said, "Yeah." DAVIS explained that he would go to the high school to pick up someone. They then agreed on a meeting place. At 6:12 p.m.,

WINCHESTER called DAVIS and told him he was around the area.

On October 24, 2007, at 2:42 p.m., DAVIS called **WINCHESTER** and said, "Hey. I got a little podnah. He say, you still got some of that poo?" referring to crack. **WINCHESTER** replied, "No. Them bitch is gone." DAVIS said, "He trying to get some. I told him how much you were letting them go for." **WINCHESTER** responded, "Oh, no. Them bitches gone. I had hooked that shit up last night just to make it good."

On October 26, 2007, at 6:35 p.m., DAVIS called **WINCHESTER** complaining. DAVIS had purchased some crack from someone who told DAVIS that **WINCHESTER** was out of crack. DAVIS said that the stuff he had purchased was "poo." **WINCHESTER** said, "That nigger said I didn't have nothing? That nigger lying like a motherfucker, man. I told him I had got right." DAVIS said, "That shit's poo, dog." **WINCHESTER** replied, "He did it himself," meaning that the seller had "cooked" the crack cocaine himself. **WINCHESTER** then told DAVIS, "I got something for you though when I get down that way." DAVIS later said, "Alright. Call me, dog. I got money." At 7:10 p.m., **WINCHESTER** told DAVIS he was on his way. At 7:23 p.m., DAVIS called and asked **WINCHESTER** where he was at.

WINCHESTER replied that he was about to go meet "that nigger, Jamaica, man" at the Time Clock. Other intercepted calls indicated that **WINCHESTER** was going to meet JONATHAN JOSEPH at the Time Clock convenience store on Lafitte-Larose Highway around this time. DAVIS told **WINCHESTER** where he would be. **WINCHESTER** eventually sold DAVIS a distributable amount of crack.

Later on October 26, 2007, at At 8:52 p.m., **WINCHESTER** called DAVIS and asked, “He said something about it?” wondering if DAVIS’ purchaser had complained about the crack. DAVIS said, “A little bit.” **WINCHESTER** said, “Well if you hear a lot on it, hit me back. . . . I’m gonna try to give you something else, man.”

DAVIS did call back that night at 9:28 p.m. and told **WINCHESTER**, “They just say it has a fucked up face.” **WINCHESTER** said, “A man just told me that same mother fucking shit. But it’s alright. That bitch don’t percolate, though, but it’s got a taste like everybody got out this motherfucker. . . . It don’t be me, no. It don’t be me. That’s what a city nigger gets. It’s pretty hard to get hard.” DAVIS said he would “holler” at **WINCHESTER** later.

Calls and transactions involving Burnell Wilson

BURNELL WILSON was one of **WINCHESTER**’s co-conspirators. During the course of the wiretap, numerous calls were intercepted between WILSON and **WINCHESTER**. WILSON’s phone had telephone number (504) 287-8701.

On October 30, 2007, at about 3:24 p.m., WILSON called **WINCHESTER** and asked, “What the deal is? I know the price is down,” referring to the price of cocaine. **WINCHESTER** said that he was “chilling” because he had to see his probation officer in the morning. The two then talked about one source who’s truck, which contained drugs and money, was stolen in Texas, and, as a result, that source’s prices would be high. WILSON then said, “I’m a have to get with you . . . in about two hours.” **WINCHESTER** responded, “I don’t want to touch that bitch at all,” meaning he did not want to have any contact with drugs because of having to meet with his probation officer th next day. WILSON replied, “That’s cool. Tomorrow?” **WINCHESTER** said, “For sure. As soon as I come out that bitch, I’ll call you.”

On November 3, 2007, at about 3:11 p.m., WILSON called **WINCHESTER**. WILSON said that he had been trying to cook powder cocaine into crack for a while and was having trouble with it. WILSON said that the crack was not “locking up tight.” In a series of calls thereafter, WILSON and **WINCHESTER** discussed how to convert, or cook, the powder into crack cocaine.

Calls and transactions involving Marlon Jones

MARLON JONES was one of **WINCHESTER**'s co-conspirators. During the course of the wiretap, numerous calls were intercepted between JONES and **WINCHESTER**. DEGREE's phone had telephone number (504) 347-5138.

On November 2, 2007, at 3:44 p.m., JONES called **WINCHESTER** and said, “I need one of them things.” **WINCHESTER** said, “Alright. I'll be over there.” At 4:06 p.m., JONES called **WINCHESTER** back. **WINCHESTER** asked, “Why you ain't called me, man?” JONES said, “I been waiting on you. I told you just come.” **WINCHESTER** then said, “Give me a minute. 'Cause I just pass you up. . . . I'm gonna go holler at this nigger in the back of Ames right fast. I'm coming.” JONES said, “Alright bro. Nigger waiting. Two of them,” referring to an amount of crack that JONES wanted to get from **WINCHESTER**.

WINCHESTER said, “Alright. So, what you want? The same thing?” JONES then talked with someone in the background about what they wanted, and eventually told **WINCHESTER**, “Just one. Yeah. Just one.” **WINCHESTER** said, “Alright.” At 4:33 p.m., **WINCHESTER** told JONES that he was on Ames and was on his way.

On November 3, 2007, at 1:03 a.m., JONES called **WINCHESTER** and asked, “You close?” **WINCHESTER** said, “No. Why? What's up?” JONES then told **WINCHESTER**, “I

had a little chick that wasn't too far on the dollars." **WINCHESTER** then told JONES to call him as soon as the female got there. JONES explained that the female was there but had to go somewhere to get her "change," meaning that the female wanted to buy crack but had to go get the money for it. JONES said he was going to go see if the female could go get the money, and he would call **WINCHESTER** back after that.

On November 5, 2007, at 6:08 p.m., JONES called **WINCHESTER** and told him, "When you come up this way . . . two and a half," referring to an amount of crack cocaine that JONES wanted to purchase. **WINCHESTER** asked, "A two and a quarter?" JONES said, "Yeah." **WINCHESTER** then said, "That's 5800, man. Hard," meaning the price would be \$5,800.00. JONES then told someone in the background the price and then asked **WINCHESTER**, "That's the good, huh?" **WINCHESTER** said, "Yeah. Everything good." JONES then asked if this stuff was different from the last time. **WINCHESTER** said, "Yeah. This stuff is different." JONES asked how long **WINCHESTER** would be. **WINCHESTER** responded, "I got that now. I thought you were calling me on something small." **WINCHESTER** then asked who the stuff was for. JONES said, "My people." **WINCHESTER** then became very uncomfortable, but JONES said, "My people and your people." **WINCHESTER** then asked, "Oh, it's your boy?" JONES said, "Yeah." **WINCHESTER** then said, "Tell him it's all good. Tell him 5800. Ask him if he want me to come by you." JONES replied, "He says as long as it's good, come on."

WINCHESTER was unsure about what amount of crack JONES' people were wanting and decided to meet with them first to find out the exact details. **WINCHESTER** eventually met the people for whom JONES had brokered this transaction. Once there, the people pulled a

gun on **WINCHESTER** and robbed him of his money and crack cocaine.

Calls and matters concerning the 924(o) conspiracy on November 5, 2007

On November 5, 2007, after **WINCHESTER** had been robbed as a result of the transaction brokered by JONES, **WINCHESTER** began planning revenge and soliciting people for help in obtaining a firearm. All of the following calls and events occurred on November 5, 2007, following the robbery.

At 6:25 p.m., JONES placed an unanswered call to **WINCHESTER**. JONES called back immediately, and **WINCHESTER** answered. JONES said, “Nigger, listen to me right now. Hold back and chill and analyze this and I had no fucking idea, you understand me?” **WINCHESTER** then said, “I thought you was talking about your boy, bro.” JONES then pleaded, “I had no idea, bro. Do not put that one on me, bro.” **WINCHESTER** said, “That’s why I asked you who it was.” **WINCHESTER** told JONES, “They got 1400. Give them \$50 out my pocket, too. . . . Something told me don’t come with that money.”

At 6:36 p.m., JONES called **WINCHESTER** and continued to apologize for things. **WINCHESTER** said, “That’s why you can’t be calling me for all them types of niggers, you heard me? . . . If you’d have told me it was three niggers, I’d have never came.” **WINCHESTER** then asked, “Them niggers around there?” JONES said, “I don’t know. I’m about to step outside and take a ride on the bike and all.”

WINCHESTER called JONES at 7:02 p.m. Another person answered the phone and **WINCHESTER** asked to speak to JONES. JONES, however, never came to the phone. **WINCHESTER**, however, asked someone if they knew where “Big Daddy” was.

On November 5, 2007, at 7:05 p.m., **WINCHESTER** called LANE and told him, “I need

a tool,” meaning a gun. **WINCHESTER** told LANE, “The nigger just jacked me by Haydel.” LANE said, “I knew they was gonna do that shit to you.” **WINCHESTER** said, “I ain’t had nothing on me. Only thing I had on me I had that change I had got from you. They ain’t took that ‘cause that was in my back pocket.” LANE said, “I got one thing, you listening to me? . . . You gonna use it?” **WINCHESTER** said, “Yeah.” LANE replied, “Nobody else best use it. . . . Don’t let nobody else use it, fool, alright?” **WINCHESTER** asks, “What you got?” LANE replied, “I got a 30 cal., nigger. 30 rounds. I ain’t got nothing small. Come check it out.” **WINCHESTER** said, “Alright. I’ll be over there.”

On November 5, 2007, at 7:08 p.m., **WINCHESTER** called JOSEPH and told him, “I need something, like now, ya heard me? . . . A tool, nigger. . . . I need it now.” JOSEPH asked what happened. **WINCHESTER** said, “Haydel niggers. . . . They jacked me, ya heard me? . . . I was going to go see what those niggers were talking about. I ain’t had nothing on me but . . . I was supposed to go drop the money off first. . . . Three niggers. . . . I need a tool now.” JOSEPH asked, “How much they took, a lot?” **WINCHESTER** responded, “\$1,450.00. and about eight of \$1000.00 worth of honey.” **WINCHESTER** continued, “I’m gonna handle this. Tell that boy I need one now.” In this conversation, **WINCHESTER** was telling JOSEPH that he wanted to get a gun, and that he needed it immediately. JOSEPH told him to hold on. At 7:10 p.m., **WINCHESTER** called JOSEPH back. **WINCHESTER** asked, “You got one on you?” JOSEPH replied, “No.” **WINCHESTER** said, “Come on, man. I need that bitch.” JOSEPH then said, “I need to go home and get that motherfucker.” **WINCHESTER** then said that he would meet JOSEPH there. JOSEPH said that he would bring it to **WINCHESTER** somewhere in the village. JOSEPH said he would leave in about 20 minutes. **WINCHESTER** again called

JOSEPH at 7:12 p.m. and said, "I need you to make a move now, bro." JOSEPH told him, "Go by the car wash. I'm about to get it to you." JOSEPH clarified that he meant the Village Car Wash, but **WINCHESTER** said, "Meet me by the daiquiri shop. Fuck it." JOSEPH said, "Yeah. Go over there."

On November 5, 2007, at 7:14 p.m., **WINCHESTER** called LANE. LANE asked, "Where you at, fool?" **WINCHESTER** said, "My little podnah got something for me, ya heard me? I need a hand. I need a little hand, ya heard me?" LANE asked, "That's all you need, man?" **WINCHESTER** said, "Yeah. That's all I need, ya heard me." LANE said, "Alright. As long as you know, I had your back, dog. If that ain't big enough, I got something that shoot 30's." At 7:15 p.m., LANE called **WINCHESTER** again and said, "I got a hand one, too, fool. A little 38 if you want, ya know. It's here. Just let me know. I got two. I got one big, one small. Just let me know." **WINCHESTER** replied, "I'll come and get that now." LANE said, "Alright." **WINCHESTER** continued, "This nigger talking like some 20 minutes and all this shit here." LANE said, "Come fuck with me."

On November 5, 2007, at 7:23 p.m., JOSEPH called **WINCHESTER** and told him that he was on his way. **WINCHESTER** said that he was on his way also. Each was on their way to a daiquiri shop to meet. **WINCHESTER** made numerous other calls to JOSEPH that evening, but none were answered.

At 7:29 p.m., **WINCHESTER** called JONES. **WINCHESTER** asked if "those niggers . . . came around there yet." JONES said, "No." **WINCHESTER** then told JONES that he had just come from driving in the area, but he left when he didn't see the people that robbed him.

On November 5, 2007, at 7:33 p.m., **WINCHESTER** called LANE. During the

conversation, **WINCHESTER** said, “Them, and these other cats? I’m gonna punish them. I swear to God. That dude on his way. I’m at the daiquiri shop. I want to bring your old lady, ya see what I’m saying?” **LANE** replied, “Yeah. . . . Whenever you ready, whenever you about to bring it, just call, fool.” **WINCHESTER** said, “I’m waiting on this nigger here to bring me something. If she don’t been brought it, I’m gonna call you all back and ask your old lady to hold it for a little while.” **LANE** said, “Alright.”

At 7:38 p.m., **WINCHESTER** received a call from an unidentified female (“UF1”). UF1 told **WINCHESTER**, “Someone needs to holler at you, but I don’t know if you want to holler right now.” **WINCHESTER** said, “A nigger just jacked me. I’m trying to kill these niggers.” UF1 asked, “Who?” **WINCHESTER** said, “You don’t need to know all that. I’m about to handle my business. Holler at me tomorrow.”

Termination of the wire, arrest of Calvin McDowell, and search of Winchester’s residence

Upon monitoring the wiretap and intercepting the above-noted and other phone calls, agents decided to intervene and seek the arrest of **WINCHESTER** in an effort to prevent the possible homicide or other violent crime that was being planned. Federal agents were assisted by state and local law enforcement, including the Jefferson Parish Sheriff’s Office (“JPSO”).

On the evening of November 5, 2007, JPSO Lt. Bruce Harrison and Louisiana Probation and Parole Officer Stephanie Mulle observed a White Toyota Avalon parked in the engine running and only one headlight illuminated on the side of the New Orleans Daiquiris and Creams shop at 6240 Lapalco. A black male was sitting low in the driver’s seat. Officers drove past it and made a U-turn and activated its emergency light. At that point the Avalon sped away.

Officers followed the vehicle and activated the lights and siren. The vehicle did not stop.

The driver exited the vehicle and fled in the 1200 block of King Street. He eluded officers, but he dropped his Motorola cell phone. Federal agents learned later that the driver of the Avalon was in fact **WINCHESTER** and further learned that **WINCHESTER** had discarded the firearm that he had previously obtained from LANE. The gun, however, was not recovered.

Officers traced the plate on the vehicle. A computer check revealed that the care was registered to **WINCHESTER**. During a search of the vehicle, officers found **WINCHESTER's** identification in the glove compartment.

During the month of October 2007, a reliable source had informed law enforcement that **WINCHESTER** and McDOWELL resided at 1341 West Drive in Westwego. Officers also learned that **WINCHESTER** was on probation out of Jefferson Parish following a conviction for possession of cocaine. Louisiana Probation and Parole was able to confirm **WINCHESTER's** address as being 1341 West Drive. McDOWELL's Mazda 626 was registered to her at the same address of 1341 West Drive.

Officers proceeded to 1341 West Drive. They observed a Tan Hyundai Elantra arrive at the residence. A subject exited the Elantra and appeared to have possibly entered the side door to the residence. The Elantra left but returned a short time later, at which time a black subject exited the residence and entered the vehicle. The Elantra then again departed. Officers conducted an investigative stop of the vehicle. As the vehicle came to a stop, McDOWELL exited from the passenger seat. As Det. Dufrene approached, he observed that McDOWELL had a large plastic bag full of crack protruding from her front pocket. McDOWELL advised that she lived at 1341 West Drive. The crack in her pocket subsequently tested positive for the presence of cocaine base and had a net weight of 162 grams.

Officers took McDOWELL's key and entered the residence after knocking and obtaining no answer. Fearing that there may be another person in the residence who could cause them harm or destroy evidence, officers secured the residence and applied for a search warrant.

Officers obtained a search warrant from a Louisiana District Judge and conducted a systematic search of the residence. Inside the master bedroom in a dresser drawer, officers found \$750.00 in currency after a drug dog alerted on the drawer. They also found a magnetic key holder containing residue in the same drawer. In the kitchen, officers found a digital scale with residue and a pyrex cup with residue. Officers also found documents identifying **WINCHESTER** and McDOWELL as residents of 1341 West Drive.

McDOWELL was arrested and advised of her Miranda warnings. McDOWELL gave a statement to police. She indicated that she had seen police cars surrounding WINCHESTER's vehicle. She knew from watching TV that police would probably be coming to 1341 West Drive, so she decided to pick up the crack.

WINCHESTER eventually turned himself to his probation officer once he learned that he was wanted in connection with the crack that officers had seized from McDOWELL. At that time, **WINCHESTER** said that the 162 grams of crack that had been seized was McDOWELL's and not his. On January 5, 2008, **WINCHESTER** was again arrested for possession with intent to distribute cocaine. **WINCHESTER** then gave a statement to officers stating that he was currently selling crack, but that, when he was selling, he was moving about one kilogram of crack per day.

For purposes of calculating drug quantities pursuant to United States Sentencing Guidelines §2D1.1, **WINCHESTER** was responsible for at least four and one-half (4 ½) kilograms of cocaine base during the course of the conspiracy.

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